

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE: PHARMACEUTICAL INDUSTRY)	MDL NO. 1456
AVERAGE WHOLESALE PRICE)	
LITIGATION)	CIVIL ACTION: 01-CV-12257-PBS
)	
)	Judge Patti B. Saris
THIS DOCUMENT RELATES TO)	
<i>U.S. ex rel. Ven-A-Care of the Florida Keys,</i>)	Magistrate Judge Marianne B. Bowler
<i>Inc. v. Abbott Laboratories, Inc.,</i>)	
No. 06-CV-11337-PBS)	

[PROPOSED] ORDER

Upon consideration of Abbott Laboratories, Inc.'s Emergency Motion to Compel the Production of Ira Burney Documents, IT IS HEREBY ORDERED THAT

Abbott's motion is GRANTED.

Plaintiff United States of America is instructed:

(1) to produce within seven days all documents, electronic or otherwise, within the possession, custody, or control of CMS employee Ira Burney that are responsive to one of Abbott's discovery requests or are otherwise relevant to this lawsuit; (2) to provide Abbott with a log describing all documents from Mr. Burney's files over which the Government is asserting a privilege; (3) to transmit copies of all withheld documents for *in camera* review to Magistrate Judge Bowler along with an affidavit explaining the basis for asserting the privilege over each document withheld from production; and (4) to award Abbott its costs and fees for bringing this motion.

IT IS SO ORDERED,

This _____ day of _____, 200__.

PATTI B. SARIS
UNITED STATES DISTRICT JUDGE